

Docket No.: 1349.1016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

Chong-sam CHUNG, et al.

Serial No. 09/442,095

Group Art Unit: 2653

Confirmation No. 5416

Filed: November 17, 1999

Examiner: Aristotelis M. Psitos

For: OPTICAL PICKUP USING TWO LASER BEAM SOURCES OF DIFFERENT
WAVELENGTH FOR AN OPTICAL DISK DRIVE (As Amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance of claim 5 was included In an Office Action mailed February 16, 2005.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of claim 5, specifically stating "none of the cited prior art clearly depicts the predetermined angle value and the representation as recited in claim 5." This statement is vague and confusing and could lead to misinterpretation of claim 5.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide

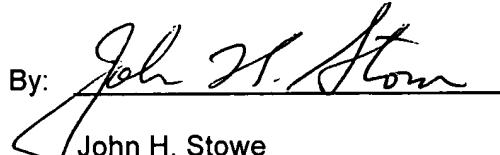
their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 10/21/05

By: 
John H. Stowe
Registration No. 32,863

1400 Eye St., N.W., Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510